

# **EXHIBIT M**

**FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SONOS, INC.,  
Plaintiff,  
vs. Case No. 3:21-CV-07559-WHA  
GOOGLE LLC  
Defendant.

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-AND-

GOOGLE LLC,  
Plaintiff,  
vs. Case No. 3:20-CV-06754-WHA  
SONOS, INC.,  
Defendant.

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**\*\*ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL\*\***

**\*\*ATTORNEYS EYES ONLY - SOURCE CODE\*\***

ZOOM DEPOSITION OF GOOGLE's 30(b)(6) & 30(b)(1)  
KENNETH J. MACKAY  
(Reported Remotely via Video & Web Videoconference)  
Sunnyvale, California (Deponent's location)  
Tuesday, May 10, 2022

STENOGRAPHICALLY REPORTED BY:

REBECCA L. ROMANO, RPR, CSR, CCR

California CSR No. 12546

Nevada CCR No. 827

Oregon CSR No. 20-0466

Washington CCR No. 3491

JOB NO. 5229656

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## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 MR. KAPLAN: Object to form. 04:58:06	1 either way, I suppose, because dynamic groups you 05:01:49
2 THE DEPONENT: So we were told -- we were	2 explicitly select which devices are playing the
3 given a set of requirements where multiple devices	3 content.
4 should play out audio within some tolerance, and	4 Q. But you're saying that the -- with the
5 then we -- or basically I created a design to 04:58:22	5 dynamic group, the drawback is that you have to 05:02:02
6 achieve that.	6 create it at the time?
7 Q. (By Mr. Shea) And we talked earlier	7 MR. KAPLAN: Object to form.
8 about the distinction between static groups and	8 THE DEPONENT: Yeah. So the -- the
9 dynamic groups.	9 drawback of a static group would be that the user
10 Did the requirements that you were given 04:58:45	10 has to create it ahead of time. So the user would 05:02:15
11 provide any specificity as to which of those types	11 need to know what they want to do before they do
12 of groups should be used?	12 it, I guess.
13 MR. KAPLAN: Object to form.	13 But then the disadvantage of the dynamic
14 THE DEPONENT: So -- no, I don't recall	14 group is that the user has to take an action every
15 the requirements mentioning that aspect. 04:59:07	15 time as they're playing, I suppose, which might -- 05:02:34
16 Q. (By Mr. Shea) Do you recall then why you	16 yeah, I -- I don't know. It's kind of a trade-off,
17 decided to implement it, in at least the initial	17 I suppose.
18 version of the speaker group technology, the groups	18 Q. (By Mr. Shea) And when you say "take an
19 as static as opposed to dynamic groups?	19 action every time" --
20 A. As I recall, we were trying to be 04:59:33	20 A. So they'd have to explicitly select -- 05:02:54
21 compatible with the existing Cast ecosystem.	21 MR. KAPLAN: Object to form.
22 Q. What was it about static groups that at	22 Go ahead.
23 the time made them more compatible with the Cast	23 THE DEPONENT: Okay. They have to
24 ecosystem than dynamic groups?	24 explicitly select the devices instead of targeting
25 MR. KAPLAN: Object to form. 04:59:56	25 to a named group. 05:03:08
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1 THE DEPONENT: It allowed the group to 04:59:57	1 Q. (By Mr. Shea) Other than those relative 05:03:14
2 advertise itself over mDNS, or I guess the leader	2 advantages and disadvantages, can you think of any
3 of the group to advertise the group over mDNS, as	3 other -- or at least, in your mind, are there any
4 a -- as a Cast device, and existing sender apps	4 other advantages or disadvantages to static groups
5 would be able to use that as a Cast target. 05:00:18	5 versus dynamic groups? 05:03:26
6 Q. (By Mr. Shea) Are -- in your view, are	6 A. Not. Well, yeah, not really. Well,
7 there advantages over that implementation relative	7 yeah, not really. There might be some minor
8 to a dynamic group implementation where the group	8 advantage to static groups in terms of -- because
9 would not be advertised?	9 we do time synchronization all the time, the static
10 MR. KAPLAN: Objection. Calls for 05:00:41	10 group might have slightly better time 05:03:50
11 speculation.	11 synchronization when playback begins.
12 THE DEPONENT: I would say there are	12 Q. Because you're saying at -- at the time
13 advantages and disadvantages.	13 that that -- the static group is first launched,
14 Q. (By Mr. Shea) So maybe we can start with	14 there is already some understanding of the clock
15 the advantages. 05:00:55	15 offset between the follower and the leader? 05:04:10
16 Can you tell me what you view to be the	16 A. There can be, yes. Although we have
17 advantages of -- of static over dynamics groups?	17 implemented for dynamic groups some fallback
18 A. So one advantage might be that the group	18 mechanism that works similarly.
19 is available as a Cast target separately from the	19 So, yeah, I don't know. I think that's
20 individual devices. 05:01:19	20 kind of a -- maybe not that big of a difference. 05:04:27
21 Q. And could you help me understand why you	21 Q. Okay. Anything else on that point you
22 view that to be an advantage.	22 can think of, sitting here, Mr. MacKay?
23 A. It might make it easier for users to --	23 MR. KAPLAN: Object to form.
24 to target their content.	24 THE DEPONENT: Not that I can think of.
25 I don't know. I mean, you could see it 05:01:47	25 Q. (By Mr. Shea) When you were designing 05:04:47
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